

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

Ashley II of Charleston, L.L.C.,)
Plaintiff,) Civil Action No.: 2:05-2782-CWH
vs.)
PCS Nitrogen, Inc.,) ORDER
Defendant/Third Party Plaintiff,)
vs.)
James H. Holcombe and J. Henry Fair, Jr.,)
Third Party Defendant.)

The third party defendants, James H. Holcombe and J. Henry Fair, Jr., have been subpoenaed by the defendant, PCS Nitrogen, Inc., to testify at trial in this matter, and they have moved to quash said subpoenas pursuant to Rule 45(c)(3)(A) of the Federal Rules of Civil Procedure. That motion is denied. The third party defendants' testimony, however, will be limited to that which is relevant to the issue of successor liability.

AND IT IS SO ORDERED.



**C. WESTON HOUCK
UNITED STATES DISTRICT JUDGE**

February 12, 2007
Charleston, South Carolina